

MBCA



morongo basin conservation association

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Subject: SB 249 - Off Highway Motor Vehicle Recreation Act (OHMVR) -- in suspension

To: Senate Appropriations Committee Sent by Email to Narisha.bonakdar@sen.ca.gov

Dear Members of the Appropriations Committee;

We thank you for considering these comment on Senator Allen's SB 249, currently in suspension. We are asking that it be voted out of suspension for study and forwarded to the Senate for a hearing. The MBCA is writing on behalf of rural desert community members in eastern San Bernardino County, and by extension areas in adjacent counties (Imperial, Inyo and Kern) where community residents suffer from the noise, dust, trespass, and destruction from illegal motorized off-highway recreation. The OHMVR Program sunsets on December 31, 2017. The need for reauthorization of this program is critical for the reasons discussed below.

SB 249 would reauthorize California's Off-Highway Motor Vehicle Recreation (OHMVR) Program in a way that continues public use of State Parks while aligning with the mission and general resource protection efforts of the Department of Parks and Recreation. In Section 11 of the Bill, the Public Resources Code 5090.35 (a) is amended to read: The protection of public safety, the appropriate utilization of lands, and the conservation of *natural and cultural resources* are of the highest priority in the management of the state vehicular recreation *areas and other areas in the system as defined in Section 5090.09*. As defined, "System" means the state vehicular recreation areas, the California Statewide Motorized Trail, areas and trails within the state park system, and areas supported by the grant program.

The Chair of the OHMVR Commission underscores the importance of the 'system' in his message preceding its 2016 report: *In fact, the vast majority of the OHV recreation opportunity available in California is on federal lands. For the calendar year 2016, the BLM reported a total of 7.1 million recreation visits to BLM lands in California. Of those 7.1 million recreation visits, an astounding 5.6 million were OHV related. The OHMVR Program addresses the need for quality OHV recreation management along with a high level of environmental protection on these federal lands through the OHMVR Grants and Cooperative Agreements (Grants) program.*

The California desert region is 28 % of the state but there are only two State Vehicular Recreation Areas (SVRA), both in Imperial County: Heber Dunes (343 acres) and Ocotillo Wells SVRA (85,000 acres). In contrast, the BLM California Desert District manages 15 OHV riding areas with a total of 373,620 acres.

The majority of the BLM areas are designated "Open Area" which means the rider need not stay on designated trails. These desert riding areas account for the majority of the tabulated 5.6 million OHV users referenced above. However, there are also unknown number of OHV riders, from both in and adjacent state population centers, attracted to 'open riding' in 69 BLM Wilderness Areas and Conservation Lands, including the three new National Monuments. OHV riding in these areas is either illegal (Wilderness Areas) or restricted to established dirt roads.

In addition, many areas in the desert have a peculiar public/private checkerboard pattern of land use. There are tens of thousands of dirt roads in rural communities that originated with the federal Small Tract Act (1938-1976). These roads, originally granted as easements for access to each purchased 5 acre tract, are in the familiar grid pattern. But strange to know, your neighbor could be a BLM tract. OHV riders love the confusion and feel they have a 'right' to use all dirt roads despite ownership, federal and county laws and ordinances, and local law enforcement. This turmoil will not end soon.

Since Senator Allen introduced SB 249 there has been much wrangling between conservation and OHV organizations regarding various sections in the bill that some OHV enthusiasts feel would curtail their 'right to ride'. In addition to requesting that SB 249 be approved and moved out of the Appropriations Committee, the purpose of this letter is to be sure that a third voice is being heard - the collective voice of thousands of individual property owners, including ranchers and farmers, who live along or near the thousands of miles of dirt roads and trails that are considered open for riding (and advertised as such on OHV media sites). The 'right to ride' is embraced regardless of land ownership, property rights, local Codes and ordinances, or prohibition signs on user created trails leading into BLM or Forest Service land closed to OHVs. Law enforcement on desert roads and trails, where riding is popular but illegal, is supported by OHMVR Grants and Cooperative Agreements.

The MBCA works at the local, county and state level with Community Off-Road Vehicle Watch (COW), and the Alliance for Responsible Recreation (ARR) to protect rural landowners from illegal OHV riders. As our state population increases so does the number of riders who want to escape the city for open space recreation. Many of our members are OHV enthusiasts. Our concern is not with the legal but the illegal riders. The SB 249 Grants Program supports law enforcement and restoration on the multi-jurisdictional desert lands. Therefore we urge that SB 249 be released to continue its journey through Appropriations and on to the Senate for a hearing.

Respectfully,



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Jennifer Wilder
Alliance for Responsible Recreation

Eric Hamburg
Community Off-Road Vehicle Watch